

Amendments to the Drawings:

The attached sheets of drawings replace Figures 1-16 with clean drawings. In addition the sheet for Figure 1 includes previously omitted element 102.

Attachment: Replacement Sheets for Figures 1-16
Annotated Sheet for Figure 1 Showing Change

REMARKS/ARGUMENTSDrawings

The Examiner objected to Figures 1-16 because they contain dark smudges that seem obscure some of the detail in the drawings. In point of fact, the smudges are an artifact of the conversion of web pages to pdf and no detail is obscured. However, new, clean replacement pages are attached in the Appendix. In addition element previously omitted element 102 has been added to Figure 1. No other changes have been made to the drawings and no new matter has been introduced.

Claim Rejections - 35 USC §102

The Examiner rejected Claims 1, 3-5, 12, 15-16 and 23-31 under 35 U.S.C. 102(e) as being anticipated by US 2003/0163292 to Eckenwiler *et al.*

The Examiner stated: "Claim 1: Eckenwiler provide a teaching for training a user to perform task which includes movement of two or more items from a randomized state to an organized state (see Abstract), comprises of: representing in a computer the item in the randomized state (see paragraph 24-25 the randomized state is equated to the pre-sorted item); moving the times as represented with in the computer in accordance with the signal generated by the user (see paragraph 31-33 and FIG. 4) and verifying in the computer that the items as moved are in the organized state (see FIG 1 item 'initial pack' -'most efficient pack')"

Claim 1 has been extensively amended to delete reference to randomized and organized states, add packing evaluation logic, and specifically conform the claim to training a user to pack retail carrier bags. This claim, as amended, is now patentably distinct from Eckenwiler et al.

The Examiner stated: "Claim 3, 14 and 25: Eckenwiler provides a teaching where the task includes movement of two or more items a randomized to an organized within a container (see paragraph 37 and FIG. 7)."

These claims have been cancelled.

The Examiner stated: "Claim 4, 15 and 26: Eckenwiler provides a teaching quantifying a score for the user based on one or more rules governing the organized states (see FIG. 17 item 'Effici' and paragraph 57)."

These claims have been cancelled.

The Examiner stated: "Claim 5, 16 and 27: Eckenwiler provides a teaching where the organized state is a state of items packed in at least one carrier (see paragraph 57). Claim 8, 19 and 30: Eckenwiler provides a teaching where at least one carrier includes two or more carrier and further wherein quantizing comprises of measuring distribution of weight among two or more carrier (see FIG 17 item 'weight' and paragraph 57)."

Claims 16 and 27 have been cancelled. Claim 5 has been amended to depend from claim 1 and extensively revised so that it is now patentably distinct from Eckenwiler et al.

The Examiner stated: "Claim 9, 20 and 31: Eckenwiler provides a teaching of determining a number of items per carrier or container (see FIG. 17 item '# parts' and paragraph 57)."

Claims 20 and 31 have been cancelled. Claim 9 has been amended to depend from claim 1 and extensively revised so that it is now patentably distinct from Eckenwiler et al.

The Examiner stated: "Claim 12 and 23: Eckenwiler provides a teaching of a computer readable medium useful in association with a computer which includes a processor and memory (see FIG 1 item 12), in which a computer instruction (or training module) that are configured to cause the computer to train a user to perform a task which includes movement of two ore more items in a randomized state (see Abstract) comprises of: representing in a computer the item in the randomized state (see paragraph 24-25 the randomized state is equated to the pre-sorted item); moving the times as represented with in the computer in accordance with the signal generated by the user (see paragraph 31-33 and FIG. 4) and verifying in the computer that the items as moved are in the organized state (see FIG 1 item 'initial pack' - 'most efficient pack')."

Claims 12 and 23 have been cancelled.

Claim Rejections - 35 USC § 103

The Examiner rejected Claims 2, 13 and 24 under 35 U.S.C. 103(a) as being unpatentable over US 2003/0163292 to Eckenwiler *et al.*

The Examiner stated: "Claim 2, 13 and 24: Eckenwiler fails to provide a teaching where the task in packing a retail carrier bags. Instead the Eckenwiler reference provides a teaching where the task in packing a retail box (see Eckenwiler paragraph 18). At the time of the invention, it would have been considered a design choice to replace the retail box, as disclosed by Eckenwiler, with the retail carrier bags as claimed by the applicant invention. One of ordinary skill in the art, furthermore, would have expected Eckenwiler retail box, and applicant's invention, to perform equally well with either the retail box as taught by Eckenwiler or the retail carrier bags because both would perform equally well in teaching a user how to pack items to a container. Therefore, it would have been prima facie obvious to modify Eckenwiler to obtain the invention as specified in claim 2 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Eckenwiler."

These claims have been cancelled.

The Examiner rejected Claims 6-7, 10, 17-18, 21, 28-29 and 32 under 35 U.S.C. 103(a) as being unpatentable over US 2003/0163292 to Eckenwiler *et al.* in view of US 6,876,958 to Chowdury.

The Examiner stated: "Claim 6-7, 17-18 and 28-29: Eckenwiler does not provide a teaching where the quantifying comprises of determining that a crushable one of the items in one of the organized state is in a lower position within the carrier (Claim 6, 17 and 28) or determining the breakable one of the item in one organized state is in a lower corner position within the carrier (Claim 7,18 and 29). However, Chowdury provides a teaching where the quantifying is determined by the determining the fragile item be placed in a certain position in the container (see Chowdury col. 9:14-31). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of quantifying by the determining the fragile item be placed in a

certain position in the container, as taught by Chowdury, because it would help the user be able to take into account possible damage (see Chowdury see 9: 15-20)."

Claim 17-18 and 28-29 have been cancelled. Claims 6-7 have been extensively revised to depend from claim 1 and are now patentably distinct from Eckenwiler and Chowdury.

The Examiner stated: "Claim 10, 21 and 32: Eckenwiler does not provide a teaching of determining an amount of time taken to perform a task to achieve the organized state. However, Chowdury provides a teaching of determining an amount of time taken to perform a task to achieve the organized state (see col. 8:35-40). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of determining an amount of time taken to perform a task to achieve the organized state, as taught by Chowdury, because it would help a user maximize his/her packing efficiency (see col. 8:55-67)."

Claims 21 and 32 have been cancelled. Claim 10 has been extensively revised to depend from claim 1 and is now patentably distinct from Eckenwiler and Chowdury.

The Examiner rejected: "Claims 11, 22 and 33 under 35 U.S.C. 103(a) as being unpatentable over US 2003/0163292 to Eckenwiler *et al.* in view of US 5,441,415 to Lee *et al.*"

The Examiner stated: "Claim 11, 22 and 33: Eckenwiler provides a teaching of recording the score with one or another quantified score for the user (see FIG 17 item 164). However, it does not provide a teaching for having a database accessible to an administrator on a network. However, Lee provides a teaching of having a database accessible to an administrator on a network (See FIG. 1 item 42, 44 and 40). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of having a database accessible to an administrator on a network, as taught by Lee, because it would allow an administrator to guide the user (see Lee col. 2:45-67)."

Claim 22 and 33 have been cancelled. Claim 11 has been extensively revised to depend from claim 1 and is now patentably distinct from Eckenwiler and Lee.

Claims 34 and 35 have been added in order to better define what the inventors consider to be their invention.

No additional fee is due on account of the above amendments. See attached Patent Application Fee Determination Record. However an extension fee of \$60 for response during the first month is due. This will be electronically paid on filing of this paper.

Reconsideration of this application and its early allowance are respectfully requested in view of the above presented amendments and remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Belasco", with a long horizontal flourish extending to the right.

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